

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

LAND ACQUISITION - West Godavari District - Yerrakalva Reservoir Project - T.Narsapuram Mandal - Borrampalem Village - Land acquired under Award No:8/84, Dated 18.5.84 - Enhancement of Land compensation by the Hon'ble High Court of Andhra Pradesh in A.S.No.1999/1996, dated 11.11.1998 filed against O.P.No.134/84, dated 29.1.96- Decretal charges of Rs.7,52,788/- - Sanction - Orders - Issued.

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IRRIGATION & CAD (PW.LA.I) DEPARTMENT

G.O.Rt.No: 952

**Dated:11.12.2009
Read the following:**

- 1.From the Dist Collector, West Godavari, Eluru,
Roc No:G3/5309/2007, Dated:11.9.2008.
2. From the Spl CS to Government & CCLA, AP, Hyderabad,
Lr No:G1/1266/2008,Dated:4.8.2009.

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ORDER:

In the references read above, it has been reported to Government that an extent of Ac.9.53 cts of land in R.S.No.359/1., situated at Borrampalem Village, T.Narsapuram (M), West Godavari District under Award No. 8/84, dt,18.5.1984 was acquired by the then Land Acquisition Officer & Spl Tahsildar (LA),Unit No.IV Jagareddygudem Mandal, West Godavari District for formation of Yerrakalva Reservoir Project, duly fixing the land value @ Rs.1,026/- per acre. Aggrieved landowners filed the claim in lower Court under Sec.18 of the Land Acquisition Act. The Sub-Court, Eluru have enhanced the Market Value from Rs.1,026/- to Rs.6,000/- per acre in O.P No.134/84, dated.29.01.1996.

2. Aggrieved Land Owner have filed an appeal before the Hon'ble High Court of A.P, Hyderabad in A.S.No.1999/1996 and the Hon'ble High Court have enhanced the Market Value to Rs.22,000/- per acre. The State has filed an appeal before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India in its judgement in C.A No.6489/2000, 6490/2000,dt. 7.2.2007 has dismissed the appeal confirming the Market value as fixed by the Hon'ble High Court. Accordingly, the Special Deputy Collector (LA) Y.R.Project, J.R.Gudem has deposited an amount of Rs.8,66,225/- on 7.2.2003 basing the Market Value enhanced by the Hon'ble High Court while the case is pending before the Hon'ble Supreme Court. Again decretal charge proposals have been sanctioned vide G.O.Rt.No.36, dt.5.1.2008 and an amount of Rs.45,543/- has deposited in the Court. The claimants have filed calculation before the Hon'ble Sub - Court, Eluru in which the E.P is pending, the Hon'ble High Court directed to pay the differential amount.

3. The Collector & District Magistrate, West Godavari, has requested the Government to sanction and release an amount of Rs.7,52,788/- towards balance decretal charges in E.P.No.42/07 in O.P.No.134/84. The Spl.CS & CCLA, Hyd while forwarding the proposal of the Collector, West Godavari Dist, has requested the Government to sanction and release the decretal amount on the above said OP.

4. Government after careful examination hereby accord sanction for an amount of Rs.7,52,788/- (Rupees Seven lakhs Fifty two thousand Seven hundred and Eighty Eight only) towards balance decretal charges in E.P.No.42/07 in O.P.No.134/84, subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines/directions on the subject and in
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case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Government/Chief Commissioner of Land Administration immediate action should be taken to recover the loss sustained by the Govt. from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer (Medium) as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Government/Chief Commissioner of Land Administration on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower Court.

5. The expenditure sanctioned above shall be debited to the Head of Account under ""4701 - Capital Outlay on major & Medium Irrigation (03) Medium Irrigation - Commercial MH - 146 Yerrakalva Reservoir - Schemes included in the Plan -GH.11 - Normal State Plan - SH (26) D&A Works - 530/532 Lands (Charged). In case, the available budget provisions is not sufficient to meet the present requirement, the expenditure may be met initially by way of advance from contingency fund to surrendering an equal amount from voted grant.

6. The District Collector, West Godavari shall follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.134/84, under Yerrakalva Reservoir Project Scheme for avoiding intervention of the middlemen

7. The Engineer - in- Chief (Medium), Hyderabad shall take necessary steps for release of LOC immediately.

8. This order issues with the concurrence of Finance (Expr. PW-I) Department vide their U.O.No:28413/1051/Exp.pw-I/09, Dated:20.11.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAIENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Special Chief Secretary to Government & Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.

The Collector, West Godavari District, Eluru

The Engineer - in- Chief (Medium), Hyderabad,.

Copy to:

The Accountant General, Andhra Pradesh, Hyderabad.

The Pay & Accounts Officer, West Godavari Eluru.

The Superintending Engineer, Irrigation Circle, Eluru.

The District Treasury Officer, West Godavari Eluru.

The Revenue Divisional Officer, Jangareddigudem, West Godavari District.

The Finance (Expr.PW-I) Department

File C.No.28390/L.A.I(A1)/2008

SF/SCs

//FORWARDED :: BY ORDER//

SECTION OFFICER